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10/046,581	01/16/2002	Victoria M. Bellotti	D/A1490	4950

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EXAMINER

PWU, JEFFREY C

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,581

Applicant(s)

BELLOTTI ET AL.

Examiner

Jeffrey C. Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-50 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 26 of copending Application No. 10/046,409. Although the conflicting claims are not identical, they are not patentably distinct from each other because both recite a method and system for managing and tracking information items within a message-based system.

For example, claim 1 of the instant application and claim 1 of application No. 10/046,409 recites a method for managing and tracking information items within a message-based system having a viewing pane, generating a thrask, each of the thrask including information items having a set of metadata, sorting new information items into the thrask, and displaying the thrask. Claim 1 of the instant application, however, recites addition generating and displaying a plurality of thrasks. It therefore, would have been obvious to a person having skill in the art at the time of the invention was made to incorporate a plurality of thrasks in order to sort and display a multiple thrasks in more than one viewing panes.

This is provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 26 are vague and indefinite because it is unclear of the term "thrask". The examiner is confused of the definition of a thrask. Applicant defined it as "it is like a Microsoft Outlook.TM. thread." However, a thrask is less easy to capture technically, because it does allow for an element of human judgment." It is unclear what is the element of a human judgment. Applicant further

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define it as "A thrask may or may not have a single deadline, and may or may not include items representing multiple tasks."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Chandra et al. (U.S. 2002/0138582). Hereinafter "Chandra".

With respect to Applicant's definition of the term "thrask": (pages 6-8)

"In the present invention, the new term "thrask" is defined. Inasmuch as the term thrask refers to a collection of related items in the browser of the present invention, it is like a Microsoft Outlook.TM. thread. However, a thrask is less easy to capture technically, because it does allow for an element of human judgment. Thus, in the present invention, the term thrask encompasses much more than what is defined for a thread in Microsoft Outlook.TM. The following are some differences between thrasks and Microsoft Outlook.TM. threads.

A thrask is a cross between a task and a thread. A thrask may or may not have a single

deadline, and may or may not include items representing multiple tasks.

A thrask may or may not correspond to a series of messages of the sort that can be computed by Outlook.TM. for an Outlook.TM. thread. In a similar way to Outlook.TM., in the system of the present invention, new items are added to the thrask automatically using sender, recipient, subject line and message ID information. However, by contrast with Outlook.TM. threads, a user can manually add items to, or remove them from a thrask. A user can also change the name of a thrask.

A thrask can include not only messages (or not even any messages), but other items as well, since users are not confined to working only with email content. Other items can be documents and links that have never been embedded in an email message. They can be notes, sharing many of the properties of unsent messages in the system of the present invention. These items can be included into a thrask via a menu option or by drag-and-drop into TaskMaster. Thrasks are fully integrated with email functionality. The system of the present invention brings this stream-based multiform document collection capability into a message-based collection viewer.

Each item within a thrask can have a deadline and a reminder attached to it as it may correspond to a task, or include task critical information, and thus can stand for a task.

There may be many items with deadlines or reminders inside a single thrask. The thrask

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is the online structure in the system of the present invention that stands for the relations between, or organizes related human tasks represented by different messages and other items.

A thrask may also contain other augmentations such as indicators manipulated by the user to show obligations (whose court the ball is in) for a particular task, additional "stick-on" notes that can be attached to items in the thrask, tools to help the user manage the thrask contents such as filtering for items which the user is obliged to complete as tasks, indicators identifying different versions of the same document within the thrask, indicators as to whether a task has been terminated, and so on.

A thrask may be very different from an Outlook task, depending on how it is implemented in an application. Some of the differences are the following.

A thrask is embedded in the email handling part of the system of the present invention, while an Outlook task is a separate kind of item that is typically accessed in a separate part of the application (the task folder) but can also be seen in Outlook's calendar view.

A thrask can comprise many items rather than just one item like an Outlook task. A thrask includes incoming items, more like an Outlook thread than an Outlook task."

Chandra teaches claims:

1. A method for managing and tracking information items within an message-based system on a user system, the message-based system having a viewer, the method comprising the operations of: (a) generating a thrask, the thrask including at least one information item having a set of metadata; (292, 294)
(b) sorting a new information item into the thrask in accordance with at least one criterion; and (paragraph [0025], [0027], [0342], [0359])
(c) displaying the thrask and at least one of the metadata of one of the information items in the thrask in the viewer. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")
2. The method of claim 1 further comprising the operation of: (d) updating at least one of the metadata of one of the information items in the thrask. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")
3. The method of claim 1 wherein operations (a), (b) and (c) are embedded in the message-based system. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")
4. The method of claim 1 wherein an information item included in the thrask is either a message or a document. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

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5. The method of claim 4 wherein the document originates from one of the following: a document attached to a message, a document residing on the user system or a document accessible by the user system. [006]

6. The method of claim 1 wherein metadata of an information item included in the thrask are task-related information. [0537]-[0543]

7. The method of claim 6 wherein the metadata of the information item include at least one of a deadline and a reminder. [0319], [0323]

8. The method of claim 7 wherein operation (c) further comprises the operation of displaying a notification when a specified date for a reminder or a deadline arrives. [0353]

9. The method of claim 7 wherein operation (c) further comprises the operation of displaying a dialog box when a specified date for a reminder or a deadline arrives, the dialog box allowing a user to select one of a plurality of options. [0537]-[0543]

10. The method of claim 7 wherein operation (c) further comprises the operation of displaying an indicator associated with the thrask for a nearest specified date for a deadline or a reminder associated with one of the information items in the thrask. [0537]-[0543]

11. The method of claim 10 wherein the indicator changes in appearance as the nearest specified date gets closer. [0537]-[0543]

12. The method of claim 1 wherein operation (a) is performed in response to a user action performed on an information item. [0537]-[0543]

13. The method of claim 12 wherein the viewer includes a thrask-viewing pane displaying a set of thrasks and wherein the user action comprises the action of manually dragging an information item into the thrask-viewing pane. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

14. The method of claim 1 wherein operation (a) comprises the operation of automatically generating a thrask when a predetermined criterion is satisfied. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

15. The method of claim 1 wherein operation (b) comprises the operation of automatically sorting a new message into the thrask when the new message is a response to a message already included in the thrask. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

16. The method of claim 1 wherein operation (b) is performed in response to a user action, the user action including the action of manually dragging an information item into a visual display of the thrask. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

17. The method of claim 1 wherein operation (b) comprises the operation of providing to the user a suggestion of which thrask to put the new information item into, when there is more than one thrasks. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

18. The method of claim 1 wherein the viewer comprises a thrask-viewing pane and an item list pane, and wherein operation (c) comprises the operation of displaying a set of thrasks in the thrask-viewing pane and of displaying in the item list pane a set of information items associated with a thrask selected from the set of thrasks. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

19. The method of claim 18 wherein the viewer further comprises a content viewing pane and wherein operation (c) further comprises the operation of displaying in the content viewing pane the content of an information item selected from a set of information items associated with a thrask selected from the set of thrasks. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display

pane 2104")

20. The method of claim 1 wherein operation (c) further comprises the operation of displaying a mark indicating an obligation associated with one of the information items in the thrask, the obligation being user-defined. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

21. The method of claim 1 wherein operation (c) further comprises the operation of displaying a group of marks indicating obligations associated with the thrask, the obligations being user-defined, the marks corresponding to some of the information items included in the thrask. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

22. The method of claim 21 wherein, in the display of the group of marks, marks indicating obligations of the user are distinct from marks indicating obligations of correspondents of the user.

23. The method of claim 1 wherein operation (c) comprises the operation of displaying, upon user selection of an option, all names that appear in the "From:", "To:" or "Cc:" lines of an information item that is associated with an obligation. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

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24. The method of claim 1 wherein operation (c) further comprises the operations of: deferring a display of the thrask until a user-specified date in response to a user selection of a first deferral option; and deferring a display of an information item included in the thrask until a user-specified date in response to a user selection of a second deferral option. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

25. The method of claim 24 wherein operation (c) further comprises the operations of: displaying a deferred thrask in response to a user request to see the deferred thrask; and displaying a deferred information item in a thrask in response to a user request to see the deferred information item. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

Claims 26-50 are similarly rejected as in claims 1-25

Response to Arguments

7. Applicant's arguments with respect to claims 1-50 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



10/14/05

JEFFREY PWU
EXAMINER